

The combination of Rune and Yoshiyama does not disclose or suggest at least a controller for detecting an amount of slot usage according to the destination, and selecting a temporary master device according to the amount of slot usage, as recited in claim 1.

Based on Rune, the Examiner asserts that different packet[s] with different destinations would have different amount[s] of slot usage and need to be analyzed as well (OA p. 2, para. 5). Rune, however, merely discloses that the master analyzes the packet address to determine the packet destination (paras. 0037, 0057 and 0069). Despite the Examiner's assertion, Rune does not disclose or suggest that the controller analyze slot usage.

Yoshiyama discloses an optical fiber ring network providing for priority to be given to another node to act as a temporary master node in place of the master node if a fault occurs in one of the sections of the ring (col. 2, ll. 58-59). In other words, the network of Yoshiyama only allows for a temporary master if a network fault occurs. Yoshiyama does not disclose or suggest at least a controller for detecting an amount of slot usage according to the destination, and selecting a temporary master device according to the amount of slot usage.

Even if one of ordinary skill in the art were motivated to combine these references, they still would not disclose or suggest all the elements recited in claim 1. Therefore, claim 1 is patentable over Rune in view of Yoshiyama.

Since claims 7, 10 and 13 contain features that are similar to the features recited in claim 1, these claims are also patentable over these references for similar reasons. Further, since independent claims 1, 7, 10 and 13 are patentable over the combination of Rune and Yoshiyama, dependent claims 2-6, 8, 9, 11, 12, 14 and 15 which depend from claims 1, 7, 10 and 13 are patentable at least by virtue of their dependencies.

Response Under 37 C.F.R. § 1.111  
U.S. Application No. 10/040,632

Attorney docket No. Q65113

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

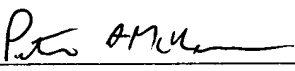
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